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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/021,836 | 12/12/2001 | Jeong Yong Kim | 5882P002 | 3951 |

8791 7590 05/04/2005

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EXAMINER

ORTIZ CRIADO, JORGE L

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2655

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,836

Applicant(s)

KIM ET AL.

Examiner

Jorge L. Ortiz-Criado

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply


A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 4-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.
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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/04/12/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of species A with claims 1-8 in the reply filed on 03/29/2005 is acknowledged. However, claims 4-8 are directed to a distinct species (C)-figure 4 of the claimed invention.

2. Claims 4-8 and 9-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 03/29/2005.

Claim Objections

3. Claim 1 is objected to because of the following informalities: "columns" should be "column". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "large tracks" in claim 1 is not defined by the claim and the specification does not provide a standard for ascertaining the claim terminology, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Where applicant acts as his or her own lexicographer to specifically define a term, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "large tracks" in claim 1, giving the broadest reasonable interpretation, is used by the claim to mean "tracks larger than a small ones ("small tracks"), the term is indefinite because the specification does not clearly set forth such "large track in such manner. The term "large track" as described in the specification and figures (i.e. Figure 2, ref #31 and 32) appears to be "a region" on the disk, and no such "large tracks" cannot be found delineated. There is a doubt in that the "region/large tracks" could be a group of tracks in a specific region/zone/band etc. or merely refers that the tracks at inner side of the disk are the "small tracks"(i.e. smaller at the inner circumference) and relatively tracks at outer side of the disk are the "large tracks" (i.e. larger at the outer circumference). Applicant's cooperation of clarification for the unclear language and confusing description in the original specification is respectfully requested. Furthermore, indication of where for the clarification being made, such disclosure/support is found as originally filed in the specification.

As far as the claims recite positive limitations, the following art rejections are made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 rejected under 35 U.S.C. 102(b) as being anticipated by Ueda JP 07-210903.

Regarding claim 1, Ueda discloses a data storage system “capable of” recording/reading optical data on a disk media, comprising:

multiple probe “column” arranged in a row, (see paragraph [0012]-[0018] Figures 1,2,3,4)

wherein a region on which data can be recorded on the disk media, which is divided into small tracks and large tracks (see Figure 1 and 7),

said probe column between the small tracks and the large tracks is moved by a dual driving control device in which high resolution movement and low resolution movement are integrated (see paragraph 0013)-[0014], Figure 1, ref # 6)

Regarding claim 2, Ueda discloses wherein said probe column has a plurality of probes arranged in a row at one end within a probe column support (see paragraph [0012]-[0015] figures 1,2,3,4)

Regarding claim 3, Ueda discloses wherein said probe column is moved in a radial direction on the disk while the disk is rotated and records/reads in a spiral shape or a concentric circle shape (see paragraph [0012] Figure 1 and 7-8)

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. EP 1063641 to Chiba et al., which discloses an information storage apparatus having optical probes.
- b. U.S. Patent No. 6,052,251 to Mohajerani et al., which disclose a driving control device in which high resolution movement and low resolution movement are integrated.
- c. JP 07-230603 to WATANUKI et al., which discloses a driving control device in which high resolution movement and low resolution movement are integrated.
- d. JP 11-213434 to Itou et al., which discloses an information storage apparatus having optical probes.
- e. JP 11-281657 to Shirakawabe et al., which discloses an information storage apparatus having optical probes.
- f. JP 08-106646 to Muramatsu et al., which discloses a multiple probe "column" arranged in a row in a information storage device.

- g. JP 09-147433 to Tono et al, which discloses a data storage system capable of recording/reading data on a disk media, comprising: multiple probe column arranged in a row, wherein a region on which data can be recorded on the disk media, which is divided into small tracks and large tracks, probe column between the small tracks and the large tracks is moved by a control device.
- h. U.S. Patent No. 5,936,243 to Gigson et al., which discloses a data storage system capable of recording/reading data on a disk media, comprising: multiple probe column arranged in a row, wherein a region on which data can be recorded on the disk media, which is divided into small tracks and large tracks, probe column between the small tracks and the large tracks is moved by a control device.
- i. U.S. Patent No. 6,507,552 to Gibsson, which discloses a data storage device having probes arrange in a column.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H. To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2655

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DAVID L. OMETZ
PRIMARY EXAMINER